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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/645,619	08/25/2000	Tomoaki Kurano	PM 273762	4340

7590 02/09/2004
PILLSBURY WINTHROP LLP
1600 TYSONS BOULEVARD
MCLEAN, VA 22102

EXAMINER

VENT, JAMIE J

ART UNIT PAPER NUMBER

2613

DATE MAILED: 02/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/645,619

Applicant(s)

KURANO ET AL.

Examiner

Jamie Vent

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11-21-2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,3,4,5,6,7,8,9,and 10 are rejected under 35 U.S.C. 102(b) as being unpatentable by Yasukohchi et al (US 6,278,837).

[claims 1 and 6]

1. In regard to Claim 1 and 6, Yasukohchi et al discloses a multichannel recording device and method for recording digital data constituting a program on a disc-shaped recording medium (Figure 1 disc unit 106) using a specified minimum data length unit that must be contiguous (Column 5 Lines 20+ describes the data compression (not shown in Figure 1) thereby the length of the data and the adjacent data being stored in the data buffers of Figure 1) the device comprising control means for alternately recording digital data constituting a first and second programs that are mutually different (Column 4 Lines 30+ the control circuit 109, Figure 1, sends the varying channels to the disc unit which stores alternating channels of the video data from the data buffer that is indicated by the recording command data and the first address data from the access control circuit), on said disc-shaped recording medium using said specified data length unit (Column 4 Lines 35+ the disc interface stores and reads the multichannel video data in a time-division operation that gives a specified data length).

[claims 2 and 7]

2. In regard to Claim 2 and 7, Yasukohchi et al discloses a multichannel recording device and method, as stated in Claim 1, with the additional limitation that the digital data constituting said first and second programs are mutually different are being alternately recorded and if the recording area in has other data recorded said control means skips the area during recording (Figure 1 shows a filing circuit 107 that forms the files in the address control table 107a. The filing circuit through the control circuit receives an endless recording command and determines the first address to the endless recording command that allows for data that can be overwritten to be while data that can not be to be skipped (Column 7 Lines 55+).

[claims 3 and 8]

3. In regard to Claim 3 and 8, Yasukohchi et al discloses a multichannel recording device, as stated in Claim 1, with the additional limitation of the information being used to command reproducing means for reproducing said disc-shaped recording medium to automatically sequentially reproduce said first and second programs in the order of a channel number or a recording start (Figure 1 data is temporarily stored in the data buffer while the video channel circuit 103 time-expands the video data from the data buffer and supplies a frame of the video data outputting circuit through the video channel circuit. The control circuit stores the video data and then operates the video channel circuit indicated by the request channel data (channel number) to reproduce the video data from the data buffer).

[claims 4 and 9]

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4. In regard to Claim 4 and 9, Yasukohchi et al discloses a multichannel recording device, as stated in Claim 1, with the additional limitation of the information being used to command reproducing onto recording medium to reproduce one of said first and second programs which has been requested for reproduction (Column 4 Lines 52+ the access control circuit holds or accumulates the reproducing request command data from user interface and detects an operation condition of the disc interface which reads and stores the video data indicated by the request channel data in response to the reproducing command

[claims 5 and 10]

5. In regard to Claim 5 and 10, Yasukohchi et al, discloses a multichannel recording device and method for recording digital data constituting a program on the recording medium uses a CDA unit, the device comprising control means for alternately recording digital data constituting a first and second programs that are mutually different, on said disc-shaped recording medium using said CDA unit (Column 5 Lines 15+ discusses the control circuit, which acts like a CDA unit, providing control for alternating the recording between the first and second programs by use of the video channel circuit, produces two mutually different programs, as well as the filing circuit which produces the addresses of the data being recorded onto the disc unit).

Conclusion

5. The prior art made of record and not relied upon are considered pertinent to applicant's disclosure. The following is considered of significant interest to the application:

- Ito et al (6411770) ;
- Barton et al (6233389) ; and
- Teunissen (6512882).

Contact Fax Information

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, DC 20231

Or faxed to:

703.208.6306 (for formal communication intended for entry)
703.308.5359 (for informal or draft communications, please label "PROPOSED"
or "DRAFT")

*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).*

Contact Information

*Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Jamie J. Vent whose telephone number is (703) 305-
0378.*

*If any attempts to reach the examiner by telephone are unsuccessful, the examiners
supervisor, Christopher Kelley, can be reached at (703) 305-4856.*

*Any inquiry of a general nature or relating to the status of this application should be
directed to the Group receptionist whose telephone number is (703) 305-4700.*

Jamie Vent
02/02/2004


CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600